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Attorneys for Defendant, Sierra Pacific Mortgage Company, In.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DEVIN COLE, on behalf of himself and  
all others similarly situated,

Plaintiff(s),

And

SIERRA PACIFIC MORTGAGE  
COMPANY, INC., and DOES 1 through  
10, inclusive,

Defendant(s).

**Case No.: 3:18-cv-01692-JCS**

**CLASS ACTION**

**JOINT REPORT ON STATUS OF EARLY  
NEUTRAL EVALUATION**

The Honorable Joseph C. Spero  
Complaint Filed: March 19, 2018  
Trial Date: None Set

Pursuant to this Court's August 21, 2019, Order [ECF 56], the parties submit  
their joint status report.

1 The parties agreed to participate in an Early Neutral Evaluation supervised by  
2 Tamara Lange of the Alternative Dispute Resolution Program for the United States  
3 District Court for the Northern District of California after completion of the third-party  
4 discovery [ECF 32];

5 On December 3, 2018, the Court granted a stay of action pending Early Neutral  
6 Evaluation and set a February 25, 2019 deadline to complete the Early Neutral  
7 Evaluation [ECF 33];

8 On January 17, 2019, the Early Neutral Evaluation set for February 25, 2019 was  
9 taken off calendar [ECF 36] and was later re-set for March 18, 2019;

10 The Early Neutral Evaluation set for March 18, 2019 was taken off calendar on  
11 March 12, 2019 [ECF 42];

12 On March 15, 2019, the Court continued the stay of action and set a May 18, 2019  
13 deadline to complete the Early Neutral Evaluation [ECF 43];

14 On April 24, 2019, the Early Neutral Evaluation was re-set for June 25, 2019;

15 An Early Neutral Evaluation was had on June 25, 2019, and the matter did not  
16 settle at that time and a further conference was scheduled for August 7, 2019;

17 On or about July 22, 2019, Defendant SPMC supplied Plaintiff with a further  
18 supplemental declaration and additional information regarding a third-party vendor KB  
19 Synergy, Inc.;

20 On August 7, 2019 the parties participated in the further ENE Conference, and  
21 agreed that Plaintiff and Defendant would discuss the parameters whereby Plaintiff may  
22 be permitted to engage in further limited discovery by subpoenaing records from the  
23 newly identified third-party vendor;

24 On September 25, 2019, the parties participated in a further post-ENE telephone  
25 conference.

26 On October 14, 2019, Plaintiff attempted to serve a Subpoena Duces Tecum on  
27 third-party vendor, KB Synergy, Inc., which was returned non-est as being the incorrect  
28 corporate entity;

1 On October 24, 2019, a subpoena duces tecum was served upon the correct third-  
2 party vendor entity, KB Synergy Holdings, Inc. The return date on the subpoena is  
3 November 22, 2019.

4 The parties are scheduled for a further ENE Conference on November 18, 2019.

5 No further activity has occurred.

6 Respectfully submitted this November 8, 2019 by:

7 Law Office of David W. Martin

8 By: /s/ David W. Martin  
9 DAVID W. MARTIN  
10 davidwmartin@email.com

11 and

12 Lester & Associates

13 By: /s/ Patric A. Lester  
14 PATRIC A. LESTER  
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16 Attorneys for Devin Cole

17 Ballard Spahr LLP

18 By: /s/ Marcos D. Sasso  
19 Marcos D. Sasso  
20 sassom@balladsphar.com

21 Attorneys for Sierra Pacific Mortgage  
22 Company, Inc.

23  
24  
25 **N.D. Cal. Rule 5-1(i)(3) ATTESTATION**

26 In compliance with Northern District Local Rule 5-1(i)(3), I, Patric A. Lester,  
27 hereby attest that Marcos D. Sasso of Ballard Spahr LLP, attorneys for Defendant, has  
28 concurred in this filing.